

EXHIBIT D

Declaration of Philip P. Mann

Case No. 21-CV-0817-TSZ

1 ARBITRATION BEFORE JAMS

2
3 BUNGIE, INC.,)
4 Claimant,) **CERTIFIED COPY**
5 vs.) No. 5160000075
6 AIMJUNKIES.COM; PHOENIX)
7 DIGITAL GROUP LLC; DAVID)
8 SCHAEFER; JORDAN GREEN;)
9 JEFFREY CONWAY; and JAMES MAY,)
Respondents.)

10
11 VIDEO-RECORDED DEPOSITION UPON ORAL EXAMINATION OF
12 DAVID SCHAEFER
13

14
15 *** CONFIDENTIAL ***
16

17 9:15 A.M.

18 FRIDAY, OCTOBER 28, 2022

19 1201 THIRD AVENUE, SUITE 4900

20 SEATTLE, WASHINGTON
21
22

23 Reported by: Tami Lynn Vondran, CRR, RMR, CCR/CSR

24 WA CCR #2157; OR CSR #20-0477; CA CSR #14435

25 JOB NO.: 928464

<p style="text-align: right;">Page 22</p> <p>1 A. No.</p> <p>2 It's WordPress.</p> <p>3 Q. The AimJunkies.com website is WordPress?</p> <p>4 A. Yes.</p> <p>5 Q. Do you have any other experience or training</p> <p>6 in programming or coding?</p> <p>7 A. No.</p> <p>8 Q. Did you ever have employment in the line of</p> <p>9 computer technology work?</p> <p>10 A. No.</p> <p>11 Q. When you've played online multiplayer video</p> <p>12 games, have you ever used any cheats in those video</p> <p>13 games?</p> <p>14 A. Absolutely.</p> <p>15 Q. You mentioned, I think, Battlefield. Did you</p> <p>16 ever use cheats playing Battlefield?</p> <p>17 A. Yes.</p> <p>18 Q. Where did you get the cheats for Battlefield?</p> <p>19 A. From other vendors.</p> <p>20 Q. When you say, "other vendors," can you name</p> <p>21 who the vendors are?</p> <p>22 A. I know what their names are -- what their</p> <p>23 name -- their website name is now. I don't know what it</p> <p>24 was then, but it wasn't then what it was now. So I</p> <p>25 can't give you a quality answer on that. I know they</p>	<p style="text-align: right;">Page 23</p> <p>1 did a name change, and I can't -- if I think of it, I'll</p> <p>2 pop it out.</p> <p>3 Q. What's the website now?</p> <p>4 A. Ilikecheats.com.</p> <p>5 Q. Very descriptive.</p> <p>6 A. Yes.</p> <p>7 Q. Why when you played video games did you use</p> <p>8 cheats?</p> <p>9 A. Because when I got divorced, my son was into</p> <p>10 gaming. And this is a story that you are going to hear</p> <p>11 from 50 million individuals like me. It's kind of like</p> <p>12 vaping. Everybody says that vaping is a bad thing, but</p> <p>13 if you need to quit smoking, vaping is a good thing.</p> <p>14 And it's the same instance as what it is with</p> <p>15 video games. My son who lives on a computer plays video</p> <p>16 games 24/7. And I want to find a way to connect with</p> <p>17 him, so I decide to play.</p> <p>18 Well, you know, some of us just suck at</p> <p>19 playing games. So I thought I'd go out and find me</p> <p>20 something that would help me be more competitive against</p> <p>21 him because he was just owning me. So that's why I went</p> <p>22 out and sought a cheat.</p> <p>23 Well, it took him about four and a half</p> <p>24 minutes to figure out what I was doing, and so that kind</p> <p>25 of shot that idea in the ass.</p>
<p style="text-align: right;">Page 24</p> <p>1 But the -- I -- I liked -- it was kind of fun.</p> <p>2 There's a whole -- there's a whole -- there's a whole</p> <p>3 different world that the -- that the people that make</p> <p>4 games like Bungie don't understand out there. There's a</p> <p>5 whole different mindset out there -- other than these</p> <p>6 people that whine in Bungie's forums all day long,</p> <p>7 there's a whole nother onset of people out there that</p> <p>8 enjoy competitive gaming that isn't boring and slow.</p> <p>9 And, you know, you can put all the cute graphics in the</p> <p>10 world you want, but if the game sucks, people don't want</p> <p>11 to play it.</p> <p>12 And so we offered things that made it more</p> <p>13 fun. And we found -- like I said, I get an idea of what</p> <p>14 the clientele likes. We found that there is a large</p> <p>15 portion of the world out there that does like playing</p> <p>16 with gaming enhancements. They're not cheats; they're</p> <p>17 gaming enhancements. They're features that the gaming</p> <p>18 company doesn't want to put in their games.</p> <p>19 What they're ignorant -- too ignorant to know</p> <p>20 is that there's a market out there that wants it, and</p> <p>21 that's the reason why it's out there. So what they're</p> <p>22 doing right now like with me is they're competing --</p> <p>23 they're trying to shut down the aftermarket.</p> <p>24 Q. You're aware online multiplayer video games</p> <p>25 generally prohibit the use of cheats; right?</p>	<p style="text-align: right;">Page 25</p> <p>1 A. So they say.</p> <p>2 Q. And that's especially true for multiplayer</p> <p>3 games because they don't want people competing with</p> <p>4 other people while cheating; right?</p> <p>5 A. I don't know what their rationale is.</p> <p>6 Q. You've agreed to license agreements in</p> <p>7 connections with the video games you've played?</p> <p>8 A. I'm sure I have in years past, yes.</p> <p>9 Q. Did you ever read those license agreements?</p> <p>10 A. As with everyone else, you click right</p> <p>11 through. Just like you guys did with our terms of</p> <p>12 service, you clicked right through.</p> <p>13 Q. So is that a no, you haven't read those</p> <p>14 license agreements?</p> <p>15 A. No.</p> <p>16 MR. MANN: Object to the form.</p> <p>17 A. I've never played Bungie, so I can't address</p> <p>18 Bungie.</p> <p>19 Q. (BY MR. MARCELO) But you were generally aware</p> <p>20 that cheating in those video games was prohibited;</p> <p>21 right?</p> <p>22 MR. MANN: Object to the form.</p> <p>23 A. Cheating is not against the law. They have</p> <p>24 terms in there that they say of things you can't do.</p> <p>25 But there's nothing in there that says in any terms of</p>